
SENATE BILL No. 141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2; IC 34-30-19-5.

Synopsis: Liability at extreme sports parks. Defines "extreme sports park or recreation area". Provides that public and private owners and operators of extreme sports parks or recreation areas are immune from civil damages for injuries caused by extreme sports if : (1) the extreme sports park or recreation area is designed or maintained for the purpose of extreme sports use; (2) a set of rules governing the use of the facility is clearly posted at each entrance to the extreme sports park or recreation area; and (3) a warning concerning the hazards and dangers associated with the use of the facility is clearly posted at each entrance to the extreme sports park or recreation area. Provides that public and private owners and operators of extreme sports parks or recreation areas are immune from civil damages for injuries if the extreme sports park or recreation area is closed and has a warning against entry posted at each entrance.

Effective: July 1, 2001.

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January 8, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 141

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-103 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 103. (a) "Person", for
3 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.
4 (b) "Person", for purposes of IC 34-19-2, has the meaning set forth
5 in IC 35-41-1.
6 (c) "Person", for purposes of IC 34-24-4, means:
7 (1) an individual;
8 (2) a governmental entity;
9 (3) a corporation;
10 (4) a firm;
11 (5) a trust;
12 (6) a partnership; or
13 (7) an incorporated or unincorporated association that exists
14 under or is authorized by the laws of this state, another state, or a
15 foreign country.
16 (d) "Person", for purposes of IC 34-26-2, includes individuals at
17 least eighteen (18) years of age and emancipated minors.



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(e) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

(f) "Person", for purposes of IC 34-30-5 **and IC 34-30-19-5**, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

(g) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.

(h) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

(i) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

SECTION 2. IC 34-6-2-44.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 44.5. "Extreme sports park or recreation area", for purposes of IC 34-30-19-5, means a location open to the public that can be used for the operation of:**

- (1) a skateboard;**
- (2) roller skates,**
- (3) inline skates;**
- (4) a freestyle bicycle;**

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1 (5) a mountain bicycle; or

2 (6) any other apparatus that is nonmotorized, wheeled,
3 recreational or sporting in nature, and powered solely by the
4 physical efforts of the user.

5 The term does not include a roller skating rink under IC 34-31-6.

6 SECTION 3. IC 34-30-19-5 IS ADDED TO THE INDIANA CODE
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2001]: Sec. 5. (a) Except as provided in subsection (b), a person
9 (as defined in IC 34-6-2-103(f)) is not liable for civil damages
10 proximately caused by the operation of a skateboard, roller skates,
11 inline skates, a freestyle bicycle, a mountain bicycle, or any other
12 apparatus that is nonmotorized, wheeled, recreational or sporting
13 in nature, and powered solely by the physical efforts of the user, at
14 an extreme sports park or recreation area owned or operated by
15 the person if:

16 (1) the extreme sports park or recreation area is designed and
17 maintained for the purpose of extreme sports use;

18 (2) a set of rules governing the use of the facility is clearly
19 posted at each entrance to the extreme sports park or
20 recreation area; and

21 (3) a warning concerning the hazards and dangers associated
22 with the use of the facility is clearly posted at each entrance to
23 the extreme sports park or recreation area.

24 (b) Notwithstanding any other law, a person (as defined in
25 IC 34-6-2-103(f)) is not liable for civil damages resulting from
26 injuries that occur at an extreme sports park or recreation area, if:

27 (1) the extreme sports park or recreation area is closed for use
28 at the time a user is injured; and

29 (2) there is a sign clearly posted at each entrance to the
30 extreme sports park or recreation area providing a warning
31 not to use the extreme sports park or recreation area when
32 the park or area is closed.

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